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[State of Minnesota verses Brundage, 180 U.S. 499 (1901)].

*“We have held, upon full consideration, that although under existing statutes a circuit court of the United States has jurisdiction upon habeas corpus to discharge from the custody of **state officers or tribunals** one restrained of his liberty in violation of the Constitution of the United States, it is not required in every case to exercise its power to that end immediately upon application being made for the writ. 'We cannot suppose,' this court has said, 'that Congress intended to compel those courts, by such means, to draw to themselves, in the first instance, the control of all criminal prosecutions **commenced in state courts** exercising authority within the same territorial limits, where the accused claims that he is held in custody in violation of the Constitution of the United States. The injunction to hear the case summarily, and thereupon 'to dispose of the party as law and justice require' [R. S. 761], does not deprive the court of discretion as to the time and mode in which it will exert the powers **conferred** upon it. That discretion should be exercised in the light of the relations existing, under our system of government, between the judicial tribunals of the Union and of the states, and in recognition of the fact that the public good requires that those relations be not disturbed by unnecessary conflict between courts equally bound to guard and protect rights secured by the Constitution. **When the petitioner is in custody by state authority** for an act done or omitted to be done in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; **or where, being a subject or citizen of a foreign state, and domiciled therein, he is in custody, under like authority, for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; in such and like cases of urgency, involving the authority and operations of the general government, or the obligations of this***

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country to, or its relations with, foreign nations, [180 U.S. 499, 502] the courts of the United States have frequently interposed by writs of habeas corpus and discharged prisoners who were held in custody under state authority. So, also, when they are in the custody of a state officer, it may be necessary, by use of the writ, to bring them into a court of the United States to testify as witnesses.' *Ex parte Royall*, 117 U.S. 241, 250 , 29 S.L.Ed. 868, 871, 6 Sup.Ct.Rep. 734; *Ex parte Fonda*, 117 U.S. 516, 518 , 29 S.L.Ed. 994, 6 Sup.Ct.Rep. 848; *Re Duncan*, 139 U.S. 449 , 454, sub nom. *Duncan verses McCall*, 35 L.Ed. 219, 222, 11 Sup.Ct.Rep. 573; *Re Wood*, 140 U.S. 278 , 289, Sub nom. *Wood verses Bursh*, 35 L.Ed. 505, 509, 11 Sup.Ct.Rep. 738; *McElvaine verses Brush*, 142 U.S. 155, 160 , 35 S.L.Ed. 971, 973, 12 Sup.Ct.Rep. 156; *Cook verses Hart*, 146 U.S. 183, 194 , 36 S.L.Ed. 934, 939, 13 Sup.Ct.Rep. 40; *Re Frederich*, 149 U.S. 70, 75 , 37 S.L.Ed. 653, 656, 13 Sup.Ct.Rep. 793; *New York verses Eno*, 155 U.S. 89, 96 , 39 S.L.Ed. 80, 83, 15 Sup.Ct.Rep. 30; *Pepke verses Cronan*, 155 U.S. 100 , 39 L.Ed. 84, 15 Sup.Ct.Rep. 34; *Re Chapman*, 156 U.S. 211, 216 , 39 S.L.Ed. 401, 402, 15 Sup.Ct.Rep. 331; *Whitten verses Tomlinson*, 160 U.S. 231, 242 , 40 S.L.Ed. 406, 412, 16 Sup.Ct.Rep. 297; *Iasigi verses Van De Carr*, 166 U.S. 391, 395 , 41 S.L.Ed. 1045, 1049, 17 Sup.Ct.Rep. 595; *Baker verses Grice*, 169 U.S. 284, 290 , 42 S.L.Ed. 748, 750, 18 Sup.Ct.Rep. 323; *Tinsley verses Anderson*, 171 U.S. 101, 105 , 43 S.L.Ed. 91, 96, 18 Sup.Ct.Rep. 805; *Fitts verses McGhee*, 172 U.S. 516, 533 , 43 S.L.Ed. 535, 543, 19 Sup.Ct.Rep. 269; *Markuson verses Boucher*, 175 U.S. 184 , 44 L.Ed. 124, 20 Sup.Ct.Rep. 76.”

“There are cases that come within the exceptions to the general rule. In *Loney's Case*, 134 U.S. 372 , 375, sub nom. *Thomas verses Loney*, 33 L.Ed. 949, 951, 10 Sup.Ct.Rep. 584, 585, it appeared that Loney was held in custody by the state authorities under a charge of perjury committed in giving his deposition as a witness before a notary public in Richmond. Virginia, in the case of a contested

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election of a member of the House of Representatives of the United States. He was discharged upon a writ of habeas corpus sued out from the circuit court of the United States, this court saying: 'The power of punishing a witness for testifying falsely in a judicial proceeding belongs peculiarly to the government in whose tribunals that proceeding is had. It is essential to the impartial and efficient administration of justice in the tribunals of the nation, that witnesses should be able to testify freely before them, unrestrained by legislation of the state, or by fear of punishment in the state courts. The administration of justice in the national tribunals would be greatly embarrassed and impeded if a witness testifying before a court of the United States, or upon a contested election of a member of Congress, were liable to prosecution and punishment in the courts of the state upon a charge of perjury, preferred by a disappointed suitor or contestant, or instigated by local passion or prejudice.' So, in Ohio verses Thomas, 173 U.S. 276, 284 , 285 S., 43 L.Ed. 699, 702, 19 Sup.Ct.Rep. 453, 456, which was the case of the arrest of the acting governor [180 U.S. 499, 503] of the Central Branch of the National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, upon a charge of violating a law of that state, the action of the circuit court of the United States discharging him upon habeas corpus, while in custody of the state authorities, was upheld upon the ground that the state court had no jurisdiction in the premises, and because the accused, being a Federal officer, 'may, upon conviction, be imprisoned as a means of enforcing the sentence of a fine, and thus the operations of the Federal government might in the meantime be obstructed.' The exception to the general rule was further illustrated in Boske verses Comingore, 177 U.S. 459, 466 , 467 S., 44 L .Ed. 846, 849, 20 Sup. Ct.Rep. 701, 704, in which the applicant for the writ of habeas corpus was discharged by the circuit court of the United States, while held by state officers, this court saying: 'The present case was one of urgency, in that the appellee was an officer in the revenue service of the United States whose presence at his post of duty was important to the public interests, and whose detention in

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prison by the state authorities might have interfered with the regular and orderly course of the business of the department to which he belonged.'

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[NOTE: The federal Courts of the United States as used above do not have the authority to interpose in foreign countries, but only in states of the Union for violations of the Constitution, and since they did interpose above, and since they did so in a "foreign state" and described that foreign state as a state of the Union, they are admitting of no federal legislative jurisdiction within any state of the Union].